

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Chase Keibler,)	Civil Action No. 3:22-cv-00809-MGL-PJG
)	
Plaintiff,)	
)	
vs.)	NOTICE OF REMOVAL
)	
Rightway Funding, LLC; Rightway Group,)	
LLC; and BTG Advisors, LLC,)	
)	
Defendants.)	
_____)	

YOU ARE HEREBY NOTIFIED that, pursuant to 28 U.S.C. §§ 1441 and 1446, the Defendants Rightway Funding, LLC; Rightway Group, LLC; and BTG Advisors, LLC hereby file this Notice of Removal of the above-captioned action from the Court of Common Pleas for Lexington County, State of South Carolina, to the U.S. District Court for the District of South Carolina, Columbia Division.

I. STATEMENT OF COMMENCEMENT OF ACTION

The above-captioned action was commenced by the Plaintiff by the filing of a Summons and Complaint on February 8, 2022. The Plaintiff attempted service on one or more Defendants on February 9, 2022 by providing a copy of the Summons and Complaint to the office of the South Carolina Secretary of State. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed. The action is pending in the Court of Common Pleas for Lexington County, State of South Carolina, bearing Civil Action No. 2022-CP-32-00492.

II. PLEADINGS AND NOTICE TO STATE COURT

True and correct copies of all process, pleadings, and orders that the Plaintiff attempted to serve upon the Defendants are attached as **Exhibit A** and are being filed along with this Notice of Removal. Pursuant to 28 U.S.C. § 1446(d), written notice of this removal is being served on the Plaintiff and is being provided to the Clerk of Court for the Lexington County Court of Common Pleas.

III. STATEMENT OF STATUTORY BASIS FOR JURISDICTION

A. Federal Question

This Court has original jurisdiction over the Plaintiff's second cause of action pursuant to 28 U.S.C. § 1331. This statute provides that "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. The Plaintiff asserts a claim that arises under the laws of the United States. In his second cause of action, the Plaintiff has alleged that the Defendants violated the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA"), and he seeks statutory penalties provided by the TCPA. Federal courts recognize that the TCPA provides federal district courts with subject matter jurisdiction under 28 U.S.C. § 1331. *See, e.g., Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 132 S. Ct. 740, 181 L. Ed. 2d 881 (2012) (holding the TCPA provides for federal question jurisdiction).

B. Supplemental Jurisdiction

Pursuant to 28 U.S.C. § 1367, this Court may exercise supplemental jurisdiction over the two remaining claims based on state law because all three claims in the Complaint arise out of the same alleged communications with the Plaintiff and the state law claims are so related to the TCPA claim that they form part of the same case or controversy under Article III of the U.S. Constitution.

IV. RESERVATION OF OBJECTIONS AND DEFENSES

By filing this Notice of Removal, the Defendants do not waive, and expressly reserve, all objections based on failure to serve process, insufficiency of service, lack of personal jurisdiction, and all other objections and defenses applicable under these circumstances.

V. CONCLUSION

WHEREFORE, the Defendants hereby remove this matter from the Lexington County Court of Common Pleas to the U.S. District Court for the District of South Carolina, Columbia Division.

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March 11, 2022